

As discussed at the interview, the subject matter of claim 1 is a cartridge for a fluid wherein the cylindrical tank that contains the fluid has first and second longitudinal sections that adjoin each other. These are the longitudinal sections 25 and 27 designated in Figures 1 and 2 of the present application.

As discussed at the interview, at least two structural components of claim 1 that are associated with these first and second longitudinal sections are not disclosed or suggested in the Glass reference, on which the Examiner has relied to reject claims 1, 2 and 7-12 on the basis of anticipation under 35 U.S.C. §102(b).

As can be seen in Figures 1 and 2 of the present application, the connection element 7 is engageable with the piston rod 11 so as to form a positive (but temporary or releasable) fit therewith, that allows the connection element, as explicitly stated in claim 1, to move back and forth between the first and second longitudinal sections of the tank, so as to be alternatingly disposed in and engaging the first longitudinal section, and disposed in and engaging the second longitudinal section.

As also explicitly stated in claim 1, the second longitudinal section has a shape that forces the connection element to interact with the actuator to produce the aforementioned positive fit when the connection element is in the second longitudinal section. This can be seen in Figure 2. When the connection element 7 is in the second longitudinal section 27, as is the case in Figure 2, the second longitudinal section 27 has a shape that forces or holds the connection element 7 in engagement with the piston rod 11.

Claim 1 also explicitly states that the first longitudinal section has a shape that automatically releases the positive fit when the connection element is in the first

longitudinal section. This is shown in Figure 1, wherein it can be seen that the first longitudinal section 25, by virtue of having a widened shape, allows the piston rod 11 to release from the connection element 7.

Because of the positive fit that is produced by the engagement of the piston rod 11 and the connection element 7, the connection element 7 can move back and forth between the aforementioned first and second longitudinal sections.

This is not the case with regard to the plug 19 in the Glass reference. The plug 19 is contained in the interior of the cartridge 5, that contains a full charge of a medicament that is to be ejected from the cartridge. For this purpose, the cartridge 5 is engaged with a receptacle 4 of a motor-driven mechanism, that includes a piston 3. When the cartridge 5 is mounted into the receptacle 4 (or 4a), the plug 19 is located at the extreme right, as shown in Figures 3 and 4. The plug 19 has a slight recess or depression 30 therein against which the tip of the piston 3 abuts when the cartridge 5 is inserted into the receptacle 4 or 4a. This is the situation that is shown in Figure 4.

The motor-operated mechanism is then activated, so that the piston 3 is advanced to a precise degree that is necessary to cause a predetermined amount of the medicament to be ejected from the cartridge 5. For this purpose, the advancing piston 3, abutting the plug 19, pushes the plug 19 from right to left in the various figures. As explicitly stated at column 5, lines 45-50 of the Glass reference, at the completion of an injection, the piston 3 is returned to its inoperative position to the right, and the cartridge is taken out of the receptacle 4 and discarded.

This statement in the Glass reference makes clear that the cartridge 5 is intended for a one-time use. The plug 19, after being moved from right to left to

cause the desired amount of medicament to be injected, then never moves back to its initial position because the cartridge 5 is simply discarded.

Therefore, there is no positive fit between the piston and the plug 19 that allows the plug 19 to be moveable back and forth between first and second longitudinal sections of the cartridge 5, so as to be alternatingly disposed in those first and second longitudinal sections, as explicitly required in claim 1.

Moreover, the simple abutment of the tip of the piston 3 in the recess of the plug 19 in the Glass reference is not a positive fit. This abutment merely allows the piston 3 to push the plug 19, but when the piston 3 is retracted to its initial position, it is impossible for the plug 19 to maintain such engagement with the piston 3, and the plug 19 simply stays at whatever location it happens to occupy when the forward advancement of the piston 3 is stopped.

Applicant therefore submits that the Glass reference does not disclose all of the elements of claim 1 as arranged and operating in that claim, and therefore does not anticipate claim 1, nor any of claims 2 or 7-12 depending therefrom.

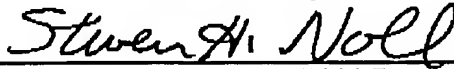
Moreover, in view of the complete absence of a positive fit between the plug 19 and the piston 3 in the Glass reference, that reference is incapable of even being modified to arrive at the subject matter of claim 1 so that the connection element (plug 19) is moveable back and forth. Moreover, in view of the statement in the Glass reference noted above, at column 5, lines 45-50 regarding disposal of the cartridge 5, there would be no reason whatsoever to "retract" the plug 19 to its initial, starting position, and thus there is no reason whatsoever for the plug 19 in the Glass reference to be movable back and forth between first and second longitudinal sections of the cartridge, as explicitly required in claim 1.

Applicant notes with appreciation that claim 4 was stated to be allowable if rewritten in independent form, but in view of Applicant's belief that claim 1 is allowable, claim 4 has been retained in dependent form at this time.

Moreover, claims 3, 5, 6 and 13 have been withdrawn from consideration due to the election of species requirement imposed by the Examiner. Applicant submits that claim 1 is an allowable generic claim and therefore, if the Examiner agrees that claim 1 is allowable, the election of species requirement should be withdrawn, and the withdrawn claims should be allowed as well.

This response does not raise new issues requiring further searching or consideration, and therefore consideration of this response after the final rejection is proper. Moreover, the Examiner cited the Glass reference for the first time in the final rejection, and therefore Applicant has not previously had any opportunity to comment on the new rejection made for the first time in the final rejection.

Submitted by,



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SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.

CHN\4702790.1